

## DECLARATION OF RUSTY GORDON

The following Declaration is given in accordance with, and is permitted by, 28 U.S.C.

§1746. I, the undersigned, declare the following:

1.

I am currently the CEO of Mobile Security Communications, Inc., of Roswell, Georgia.

The company manufactures and sells, among other things, global positioning system (GPS) based systems for tracking stolen vehicles, for example, CARCOP™.

2.

I have known Mr. M. Kelly Jones for many years. I first met Kelly through tennis.

3.

On or around the period from late [REDACTED] to early [REDACTED], I was employed as a Vice President at GTE. At this time, Kelly described to me an invention involving an advance notification system, which would notify users in advance of the impending arrival of a vehicle at a location to give notice to the user of a pickup or delivery. We discussed the system in the particular context of school buses, where the system would give notice to school children of the impending arrival of a school bus, prior to its arrival. He told me that he had been working on the design of the system. I know that Kelly told me about this idea around this period of time because, at the time, Kelly was teaching tennis to Blake Snyder, a child that I knew. Kelly confided in me because of my technical experience and my experience with patents.

EXHIBIT

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4.

After that point, but still in the time period on or around late [REDACTED] to early [REDACTED], we discussed the system many times at my office at [REDACTED] and also at my house. We discussed patents, and patent strategies, and I gave Kelly a copy of a non-disclosure (confidentiality) agreement. I also told him how to do a good patent search. I suggested that he build a working prototype of the system, because I felt it would be easier to market and raise money for a business. I also pointed Kelly to some engineers and suggested that he talk with them.

5.

During our conversations on or around the time period from late [REDACTED] to early [REDACTED], Kelly described two implementations of the invention to me. In one of the implementations, a location tracking device would be used on each vehicle for determining the precise location of each vehicle as the vehicle traveled. Each vehicle would also have a transmitter, such as a cellular telephone or radio, which would be used to contact the users/passengers at their houses when the vehicle was a predetermined time period or a predetermined distance from a stop location or at a particular location (for example, at the corner of two streets). We discussed using a GPS receiver and other systems as the location tracking device. A computer-based system on each vehicle would be used to control the foregoing communication devices.

6.

In another implementation that he described to me on or around the period from late [REDACTED] to early [REDACTED], the vehicles would communicate with a nonmobile base-station computer using a low cost radio link or a cellular link. Then, the base station computer would make land-line

telephone calls to the users' houses, instead of having the systems on the vehicles make the telephone calls directly to the houses.

7.

We discussed which of the two implementations would be better. We came to the conclusion that the base station version was better because it would minimize monthly air time fees, in the case of a radio link, and also it would greatly increase calling bandwidth. Without the base station, the vehicle unit would need to make numerous calls all at once, which seemed impractical.

8.

On or around [REDACTED], Kelly Jones and Mr. John Ross visited my office. We discussed the advance notification system in some detail at this time. This was the first time that I met Mr. John Ross. My understanding was that Kelly had just met Ross and that Ross was brought on as a financial advisor to raise money for Kelly.

9.

I have been advised that the following patent claim 11 resides in U.S. Patent 5,444,444 issued to Ross:

11. An apparatus located on a mobile vehicle for providing a notice to a party of pending delivery/pickup of an item, said apparatus comprising:
- a satellite receiver for receiving positioning signals from a plurality of satellites;
  - a storage device for storing a location of a delivery/pickup point of the item;
  - a controller electrically connected to said storage device and said satellite receiver, said controller programmed to perform the steps of:
    - a) determining a current location of the mobile vehicle based upon the received positioning signals;
    - b) comparing the current location of the mobile vehicle to the location of the delivery/pickup point;

c) estimating the time required for the vehicle to travel from its current location to the location of the delivery/pickup point based on the distance separating the location of the vehicle and the location of the delivery/pickup point and the time for any intervening stops; a communicator operatively connected to the controller for communicating a signal via a cellular communications network from the mobile vehicle to said party to notify the party of the pending delivery/pickup of the item if the estimated time interval is less than a predetermined time interval.

Based upon my understanding of this claim language, I believe that Kelly Jones and I discussed this claimed invention and, in particular, all elements of this claim, before Kelly met John Ross, i.e., before [REDACTED]

10.

I have been advised that the following patent claim 1 resides in U.S. Patent 5,648,770 issued to Ross:

1. An apparatus located on a mobile vehicle providing separate notices to each of a plurality of parties of a pending delivery/pickup of a different item, each said item being uniquely associated with one of said parties, said apparatus comprising:

a satellite receiver for receiving positioning signals from a plurality of satellites;  
a storage device for storing the location of each said party;  
a processor electrically connected to said storage device and said satellite receiver, said processor programmed to perform the following steps for each said item:

- a) determining a current location of the mobile vehicle based upon the received positioning signals;
- b) selecting an item;
- c) comparing the current location of the mobile vehicle to the location of the party associated with said selected item;

a communicator operating under control of the processor for automatically communicating, based upon a step of comparing, a signal via a cellular communications network from the mobile vehicle to each said party to notify each said party of the pending delivery/pickup of the item uniquely associated with that party.

Based upon my understanding of this claim language, I believe that Kelly Jones and I discussed this claimed invention, and in particular, all elements of this claim, before Kelly met John Ross, i.e., before [REDACTED]

11.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 30<sup>th</sup> day of October, 1998.

Rusty Gordon  
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